

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION  
FILED IN OFFICE  
4:40 P.M.  
July 14 # 2005  
L. J. Henderson  
Deputy Clerk

UNITED STATES OF AMERICA )

v. )

CR 105-082

YOLANDA MONIQUE WALKER )  
(Also Known as Yolanda Moniqueka )  
Walker and Monique Walker-Hill) )

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**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

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In the above-captioned criminal case, the government brings a one-count Information, in which Defendant Yolanda Monique Walker is charged with filing a fraudulent tax return, in violation of 26 U.S.C. § 7207. The matter is now before the Court on the matter of taking a guilty plea and the Federal Rule of Criminal Procedure Rule 11 Allocution. The parties consented to proceed before a United States Magistrate Judge for the taking of the guilty plea and then to proceed before a United States District Judge for sentencing. Now, for the reasons sets forth below, the Court **REPORTS** and **RECOMMENDS** that the District Judge accept the plea of guilty and, after reviewing the pre-sentence investigation report, enter final judgment of guilty against Defendant Yolanda Monique Walker.

**I. DISCUSSION**

On July 12, 2005, the defendant and counsel appeared before the Magistrate Judge, who addressed the defendant personally in open court and informed the defendant of the admonishments under Rule 11 of the Federal Rules of Criminal Procedure and determined

that the defendant was competent to plead guilty and fully understood those Rule 11 admonishments.

The defendant agreed to plead guilty to the one count of filing a fraudulent tax return set forth in the Information. The government and the defendant stipulated that there would be no recommendation as to a particular sentence, but that the government would recommend that the total offense level under the United States Sentencing Guidelines is a Level 6 and that the defendant would not oppose a total offense Level of 6. (Plea Agreement, ¶ 1.a (government obligation) and ¶ 2.a (defendant obligation)). The defendant was advised of the maximum penalty provided by law. Specifically, the Magistrate Judge explained the range of punishment with regard to imprisonment, fines, restitution, supervised release, and the statutory fee assessment. Also, defense counsel assured the Court that he had thoroughly explained the impact of the Sentencing Guidelines to the defendant, but it was understood that the particular sentence within the stipulated Guidelines range was "strictly up to the Court." All parties agreed that any specific sentencing issue would be taken up before the District Judge. Moreover, all parties agreed that if the District Judge rejects the plea agreement, the defendant may withdraw her guilty plea and proceed to trial.

## **II. FINDINGS**

The Magistrate Judge finds the following:

1. The defendant, with the advice of her attorney, has consented orally and in writing to enter this guilty plea before the Magistrate Judge, subject to final approval and sentencing by the District Judge;
2. The defendant fully understands the nature of the charges and penalties;

3. The defendant understands her constitutional and statutory rights and wishes to waive these rights;
4. The defendant's plea is made freely and voluntarily;
5. The defendant is competent to enter this plea of guilty;
6. There is an adequate factual basis for this plea; and

The Magistrate Judge finds that a plea agreement exists between the defendant and the government as follows:

In exchange for the defendant's plea of guilty, the attorney for the government agrees to do the following:

1. Make no recommendation as to a particular sentence, but will recommend that the total offense level in this case is a Level 6.
2. Dismiss the charges in the Indictment against this defendant following sentencing.

The defendant agrees to do the following:

1. Plead guilty to the offense set forth in the Information.
2. Pay[,] and cooperate with the government in the ascertainment and payment of[,] all back taxes, penalties, and interest owed, as determined by the Court at sentencing.
3. Not oppose the total offense Level of 6.

Understanding that 18 U.S.C. § 3742 provides for an appeal by a defendant of the sentence under certain circumstances, the defendant as a part of the plea agreement and in consideration for the government's promises contained therein, expressly waives any and all

rights conferred by that statute to appeal any sentence imposed that is within the total offense level agreed to above.

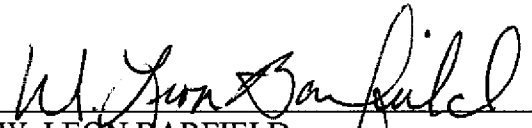
The defendant, as part of the plea agreement and in consideration for the government's promises contained therein, also expressly waives any and all rights to collateral post-conviction attack of the sentence imposed or the voluntariness, providence, or factual basis of the guilty plea entered pursuant to the plea agreement.

If the District Judge rejects this agreement, the defendant may withdraw her guilty plea and proceed to trial.

### III. CONCLUSION

For the reasons set forth above, the Court **REPORTS** and **RECOMMENDS** that the District Judge accept the plea of guilty and, after reviewing the pre-sentence investigation report, enter final judgment of guilty against Defendant Yolanda Monique Walker.

SO REPORTED and RECOMMENDED this 14<sup>th</sup> day of July, 2005, at Augusta, Georgia.

  
W. LEON BARFIELD  
UNITED STATES MAGISTRATE JUDGE

**United States District Court**  
***Southern District of Georgia***

UNITED STATES OF AMERICA

vs.

YOLANDA MONIQUE WALKER

CASE NO. CR105-082

The undersigned, a regularly appointed and qualified deputy in the office of this Clerk of this District, while conducting the business of the Court for said Division does hereby certify the following:

- 1 Pursuant to instructions from the court, and in the performance of my official duties, I personally placed in the U.S. Mail a sealed envelope bearing the lawful frank of the Court, and properly addressed to each of the persons, parties or attorneys listed below;  
and
2. That the aforementioned envelope(s) contain a copy of the documents known as Rpt & Recomm dated 7/14/05, which is part of the official records of this case.

Date of Mailing: 7/15/05

Date of Certificate: 7/15/05

SCOTT L. POFF, CLERK

By

L. Stalvey

NAME:

1. Yolanda Monique Walker, Jerome J. Froelich, Jr.

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7. \_\_\_\_\_

Cert/Copy

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<input type="checkbox"/>	<input checked="" type="checkbox"/>	Magistrate Judge
<input type="checkbox"/>	<input type="checkbox"/>	Minutes
<input type="checkbox"/>	<input checked="" type="checkbox"/>	U.S. Probation
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<input type="checkbox"/>	<input type="checkbox"/>	JAG Office

Cert/Copy

<input type="checkbox"/>	<input type="checkbox"/>	Dept. of Justice
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<input type="checkbox"/>	<input type="checkbox"/>	Nicole/Debbie
<input type="checkbox"/>	<input type="checkbox"/>	Ray Stalvey
<input type="checkbox"/>	<input type="checkbox"/>	Cindy Reynolds